

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

PERTAINS TO THE FOLLOWING CASE:

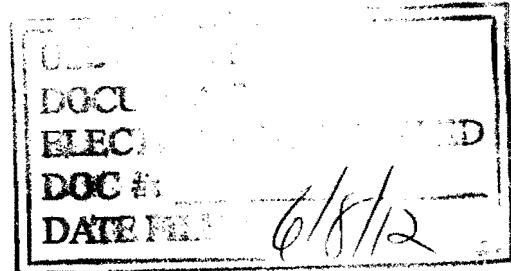
IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LANDIS INVERSIONES S.L.,

Defendant.



Adv. Pro. No. 11-02930 (BRL)

12 Civ. 2636 (JSR)

JED S. RAKOFF, U.S.D.J.

WHEREAS, Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA") and the estate of Bernard L. Madoff ("Madoff"), filed a complaint (the "Complaint") in the Bankruptcy Court in the above-captioned adversary proceeding on December 15, 2011;

WHEREAS, defendant Landis Inversiones S.L. ("Landis") filed a motion in the District

Court to withdraw the Bankruptcy Court reference (“Withdrawal Motion”) on April 2, 2012, arguing, *inter alia*, that issues related to (i) the safe harbor provision of section 546(e) of the Bankruptcy Code and (ii) *Stern v. Marshall*, 131 S. Ct. 2594 (2011) raised questions of non-bankruptcy law;

WHEREAS, in exchange for the Trustee’s agreement to voluntarily dismiss the Complaint in the above-captioned adversary, Landis agrees to withdraw the Withdrawal Motion and Landis will not participate in the consolidated briefing on the merits of certain issues relating *Stern v. Marshall* pursuant to the Order dated April 13, 2012, No. 12 Civ. 0115 (S.D.N.Y. April 13, 2012) (ECF No. 4) (the “*Stern* Consolidated Briefing Order”), or 11 U.S.C. § 546(e) pursuant to the Order dated May 15, 2012, No. 12 Civ. 0115 (S.D.N.Y. May 16, 2012) (ECF No.119) (the “Section 546(e) Consolidated Briefing Order”);

WHEREAS, Landis has not answered the Trustee’s Complaint and no other motions remain pending in either the Bankruptcy Court or the District Court; and

WHEREAS, on June 1, 2012, the Trustee voluntarily dismissed the Complaint in the above-captioned adversary proceeding without prejudice pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, as made applicable by Rule 7041 of the Federal Rules of Bankruptcy Procedure, by filing a Notice of Voluntary Dismissal Without Prejudice of Adversary Proceeding;

BASED ON THE FOREGOING, IT IS HEREBY:

ORDERED, that the Withdrawal Motion is hereby withdrawn and the Clerk of the Court is ordered to close item number one on the docket 12 Civ. 2636.

ORDERED, that Landis shall no longer be subject to the *Stern* Consolidated Briefing

Order or the Section 546(e) Consolidated Briefing Order and shall hereby be deemed removed from the relevant Exhibits to those orders.

ORDERED, that docket 12 Civ 2636 is hereby closed, and all matters arising therein are deemed dismissed as to Landis pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Dated: June 6, 2012
New York, New York

Thomas L. Long /TMC
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Thomas L. Long
Email: tlong@bakerlaw.com
Mark A. Kornfeld
Email: mkornfeld@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff*

BAKER & MCKENZIE LLP
1114 Avenue of the Americas
New York, New York 10036
Telephone: (212) 891-3565
Facsimile: (212) 310-1665
Joseph Samet
Email: joseph.samet@bakermckenzie.com

Attorneys for Landis Inversiones S.L.

SO ORDERED.

Dated: June ___, 2012
New York, New York

JED S. RAKOFF, U.S.D.J.

Order or the Section 546(e) Consolidated Briefing Order and shall hereby be deemed removed from the relevant Exhibits to those orders.

ORDERED, that docket 12 Civ 2636 is hereby closed, and all matters arising therein are deemed dismissed as to Landis pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Dated: June 6, 2012
New York, New York

BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Thomas L. Long
Email: tlong@bakerlaw.com
Mark A. Kornfeld
Email: mkornfeld@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff*

Joseph Samet
BAKER & MCKENZIE LLP
1114 Avenue of the Americas
New York, New York 10036
Telephone: (212) 891-3565
Facsimile: (212) 310-1665
Joseph Samet
Email: joseph.samet@bakermckenzie.com

Attorneys for Landis Inversiones S.L.

SO ORDERED.

Dated: June 7, 2012
New York, New York

Jed S. Rakoff
JED S. RAKOFF, U.S.D.J.